

## GAME, FISH AND PREDATORS

### CHAPTER 156

H. B. No. 571

(Walter Bubel and Elmer Hegge)

#### DEFINING WILD TURKEYS AS "GAME BIRDS"; ISSUANCE OF LICENSE TO HUNT

##### AN ACT

To amend and reenact subsection 6 of section 20-0101 of the North Dakota Revised Code of 1943 and chapter 166 of the 1951 Session Laws, including wild turkeys under the definition of "game birds" and providing for the issuance of licenses to hunt wild turkeys.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.) Subsection 6 of section 20-0101 is hereby amended and reenacted to read as follows:

6. "Game birds" shall include any and all varieties of geese, brant, swans, ducks, plovers, snipes, woodcocks, grouse, sagehens, pheasants, Hungarian partridges, quails, partridges, cranes, rails, coots, wild turkeys, and doves;

§ 2. AMENDMENT.) Chapter 166 of the 1951 session laws is hereby amended and reenacted to read as follows:

20-0803. CONTENTS OF GOVERNOR'S ORDER OR PROCLAMATION RELATING TO THE TAKING OF GAME BIRDS, FISH, AND GAME ANIMALS.) An order or proclamation issued by the governor pursuant to the provisions of this chapter shall prescribe, as to each species of game birds, fish, or game animals named therein, the following:

1. In what manner the same may be taken;
2. In what number the same may be taken and possessed and may limit such numbers by sex;
3. In what places the same may be taken; and
4. At what time the same may be taken and possessed.

The governor, in his order or proclamation, may provide for the number of big game and wild turkey permits or licenses to be issued for the taking of each species and the manner in which such permits or licenses shall be issued for big game and wild turkeys only. In addition, the governor may include in his order or proclamation such provisions of the federal laws and regulations relating to migratory birds as he deems advisable.

Approved March 5, 1953.

## CHAPTER 157

S. B. No. 186  
(Hagen, Solberg, Krenz, and Gronvold)

## DEFINING "GAME ANIMALS"

## AN ACT

To amend and reenact subsection 7 of section 20-0101 of the North Dakota Revised Code of 1943, relating to game animals.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.) Subsection 7 of section 20-0101 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

7. "Game animals" shall include big game animals, as herein defined and badgers, beavers, minks, muskrats, raccoons, and weasels;

Approved February 28, 1953.

## CHAPTER 158

H. B. No. 831  
(Thompson, Frank, Helm, Hegge and Schuler)

## HOURS OF HUNTING

## AN ACT

To amend and reenact section 20-0106 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to hours for hunting.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.) Section 20-0106 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0106. HOURS FOR HUNTING GAME BIRDS AND PROTECTED GAME ANIMALS.) No person during the time elapsing between actual sunset of one day and one-half hour before sunrise of

the next day, shall hunt, pursue, catch, shoot at, or in any manner molest any game bird or protected animal within the borders of this state. The provisions of this section shall not apply to the trapping of fur-bearing animals by the holder of a lawfully issued trapping license, nor to the taking of raccoon as permitted by section 20-0105. The hours and manner of hunting upland game birds and game animals may be restricted further by a proclamation issued by the governor pursuant to the provisions of chapter 8 of this title.

Approved March 13, 1953.

---

## CHAPTER 159

S. B. No. 59  
(Legislative Research Committee)  
(at the request of)  
(The Game and Fish Department)

---

### DISTRICT DEPUTY GAME WARDENS

#### AN ACT

To amend and reenact section 20-0211 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to district deputy game wardens.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.) Section 20-0211 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0211. DISTRICT DEPUTY GAME WARDENS; APPOINTMENT; REMOVAL; BOND.) The commissioner may appoint, and may remove at pleasure, not to exceed twenty-three regular district deputy game wardens. Each regular district deputy game warden, before entering upon the discharge of his duties, shall furnish a bond in the penal sum of one thousand dollars. Such bond shall conform to and shall be filed in accordance with the provisions of law applicable to the bonds of state officers. The commissioner may establish such qualifications as he may deem necessary for the selection of competent deputy game wardens.

Approved March 4, 1953.

## CHAPTER 160

H. B. No. 551  
(Legislative Research Committee)  
(at the request of)  
(The Game and Fish Department)

## FISHING LICENSE FEES

## AN ACT

To amend and reenact subsection 7 of section 20-0312 of the North Dakota Revised Code of 1943, and subsection 2 of section 20-0302 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to fishing license fees.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.) Subsection 7 of section 20-0312 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

7. For a resident fishing license, the sum of one dollar; and

§ 2. AMENDMENT.) Subsection 2 of section 20-0302 of the 1949 Supplement of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

2. Any resident of this state under the age of eighteen years or sixty five years of age or over may fish without first having obtained a resident fishing license as prescribed in this chapter.

Approved March 12, 1953.

## CHAPTER 161

H. B. No. 839

(Bourgois, Brown and Larson of Burleigh)

(By Request)

## PROTECTION OF NESTS AND EGGS OF PROTECTED BIRDS

## AN ACT

To amend and reenact section 20-0412 of the North Dakota Revised Code of 1943, relating to nests and eggs of protected birds.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.) Section 20-0412 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0412. NESTS AND EGGS OF PROTECTED BIRDS PROTECTED.) No person, at any time, shall take, have in his possession or under his control or needlessly break up or destroy, or in any manner interfere with the nest, or the eggs of any kind of bird, the killing of which is prohibited at any time without a permit issued by the North Dakota game and fish commissioner.

Approved March 10, 1953.

## CHAPTER 162

H. B. No. 679

(Power and Leier)

## MANNER IN WHICH BIG GAME MAY BE TAKEN; REPEAL

## AN ACT

To repeal section 20-0504 of the 1943 Revised Code relating to the manner in which big game may be taken.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. REPEAL.) Section 20-0504 of the 1943 Revised Code is hereby repealed.

Approved March 10, 1953.

## CHAPTER 163

H. B. No. 706  
(Leier, Sailer, Ettestad, Vinje)

PLACING SEALS ON BIG GAME ANIMALS; TAKING OF GAME  
BIRDS, FISH AND GAME ANIMALS

## AN ACT

To amend and reenact subsection 2 of section 20-0507 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to the placing of seals on big game animals; and to amend and reenact section 20-0803 of the 1949 Supplement to the North Dakota Revised Code of 1943 relating to the contents of the governor's proclamation relative to the taking of game birds, fish and game animals.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.) Subsection 2 of section 20-0507 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

2. Affix to the carcass of such animal, before it is transported in any manner, or offered for transportation, a metal locking seal bearing his big game hunting license number. Such seal shall be attached around the antler of any animal having antlers, and through the ear of any animal not having antlers, in such a manner as not to be lost or removed. Failure to attach such seal in the manner provided by this section shall be a misdemeanor and be punishable as provided by section 20-0508 of this title.

§ 2. AMENDMENT.) Section 20-0803 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0803. CONTENTS OF GOVERNOR'S ORDER OR PROCLAMATION RELATING TO THE TAKING OF GAME BIRDS, FISH, AND GAME ANIMALS.) An order or proclamation issued by the governor pursuant to the provisions of this chapter shall prescribe, as to each species of game birds, fish, or game animals named therein, the following:

1. In what manner the same may be taken;
2. In what number the same may be taken and possessed and may limit such numbers by sex;
3. In what places the same may be taken; and
4. At what times the same may be taken and possessed.

The governor, in his order or proclamation, may provide for the number of big game permits or licenses to be issued for the taking of each species and the manner in which such permits or licenses shall be issued for big game only. When a limited number of big game licenses are issued by lottery and the number of applicants is greater than the number of licenses to be issued, any applicant who is successful in obtaining such a license shall not be eligible to apply for a license to hunt the same species of big game for the two ensuing lottery years, except that owner operators or operators, living within the boundaries of the legal open area shall be entitled to apply for one such license for each farmstead unit in each consecutive season.

Approved March 10, 1953.

---

## CHAPTER 164

S. B. No. 61  
(Legislative Research Committee)  
(at the request of)  
(The Game and Fish Department)

---

### TAKING, POSSESSING, OWNING AND TAGGING FUR BEARING ANIMALS

#### AN ACT

To amend and reenact sections 20-0701, 20-0702, 20-0705, 20-0710, 20-0713, and 20-0721 of the North Dakota Revised Code of 1943, as amended, and to repeal sections 20-0703, 20-0706, 20-0707, 20-0708, 20-0709, 20-0719, and 20-0720 of the North Dakota Revised Code of 1943, as amended, relating to the taking, possessing, owning and tagging of fur bearing animals.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.) Section 20-0701 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0701. PROPERTY RIGHTS: WILD FUR-BEARING ANIMALS.) Any person, firm, or corporation raising and owning any protected fur bearing animal or in possession of the pelt of any wild animal lawfully obtained, shall have the same property rights therein as those enjoyed by owners of domestic animals. They shall, however, be subject to all rules and regulations

promulgated by the commissioner in regard to the introduction into the state of such animals or their release, as provided in chapter 165 of the 1951 session laws of the State of North Dakota.

§ 2. AMENDMENT.) Section 20-0702 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0702. FUR-BEARING ANIMALS WHICH ARE PROTECTED: NOT TO BE TAKEN OR DISTURBED DURING CLOSED SEASONS.) No person shall hunt, shoot, trap, or take, in this state, any minks, muskrats, badgers, weasels, beavers, or raccoons, except during the open or lawful season thereon as established under the provisions of section 20-0801 or section 20-0704.

§ 3. AMENDMENT.) Section 20-0705 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0705. MANNER OF TAKING PROTECTED FUR BEARING ANIMALS RESTRICTED; DESTRUCTION OF PROPERTY OF OTHERS UNLAWFUL.) It shall be unlawful to molest or destroy the natural burrow, den, or retreat of any protected fur bearers, or to damage or injure the personal or real property of another while taking or attempting to take such fur-bearer, except that the governor, at the advice of the commissioner, may by proclamation determine the manner in which fur-bearing animals may be taken other than as provided by this section.

§ 4. AMENDMENT.) Section 20-0710 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0710. LIMITED LICENSES TO TAKE BEAVERS ISSUED BY COMMISSIONER; WHEN.) A limited license to take beavers upon particular land may be issued by the commissioner whenever:

1. Beavers become so numerous in any locality, including any state game refuge, that, in the judgment of the commissioner, a limited number from such locality may be taken without unduly depleting the species; or
2. Beavers are causing substantial damage to public or private property such as seriously to prejudice property rights therein.

No such license to take beavers shall be issued without the written approval of any person or persons owning, or holding a lease governing, the surface rights to, or the occupancy of, the land involved. At the recommendation of the commissioner, the governor may declare an open season on beaver.



§ 5. AMENDMENT.) Section 20-0713 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0713. WHO ENTITLED TO LIMITED LICENSE TO TAKE BEAVERS.) The owner, or a duly authorized agent of the owner, of the land with reference to which the commissioner intends to issue a license to take a limited number of beavers shall have the first right and privilege, if the same is exercised within ten days after the receipt of the notice provided in section 20-0712, to make application for and obtain a license to trap and take the limited number of beavers contemplated to be taken on his land. If the owner fails to avail himself of such right within such ten day period, the commissioner may issue the license to any person making application therefor. The provisions of this section shall be inapplicable when the governor by proclamation declares an open season on beavers in any area.

§ 6. AMENDMENT.) Section 20-0721 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0721. PENALTY; EACH VIOLATION IS A DISTINCT OFFENSE.) Any person who unlawfully shall:

1. Kill, take, attempt to take, possess, transport, accept for transportation, buy, sell, offer for sale, barter, or otherwise dispose of any fur bearing animal or any part thereof; or
2. Take or attempt to take any fur-bearer outside of a regularly prescribed season, or without a license or as provided in section 20-0704, or violate any of the provisions of this chapter,

shall be guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail for not less than twenty days nor more than thirty days, or by both such fine and imprisonment. Each violation shall constitute a distinct and separate offense.

§ 7. REPEAL.) Sections 20-0706, 20-0707, 20-0708, 20-0719 and 20-0720 of the North Dakota Revised Code of 1943 and sections 20-0703 and 20-0709 of the 1949 Supplement to the North Dakota Revised Code of 1943 are hereby repealed.

Approved March 4, 1953.

## CHAPTER 165

H. B. No. 553  
(Legislative Research Committee)  
(at the request of)  
(The Game and Fish Department)

---

POSTING OF STATE-OWNED LAND; ESTABLISHMENT OF  
STATE GAME MANAGEMENT AREAS; PENALTIES

## AN ACT

To amend and reenact sections 20-1107 and 20-1111 of the North Dakota Revised Code of 1943, relating to the posting of state owned land by the commissioner and the penalties for hunting thereon; and providing for the establishment of state game management areas.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.) Section 20-1107 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-1107. GAME REFUGES TO BE POSTED BY COMMISSIONER; INSCRIPTION ON SIGNS; SIGNS HOW LOCATED.) Each state game refuge shall be posted by the commissioner with sign boards upon which shall be printed the words "State Game Refuge" or "State Game Management Area". Such signs shall be located at each corner of the refuge and along its outer lines at intervals of approximately eighty rods.

§ 2. ESTABLISHMENT OF STATE GAME MANAGEMENT AREA.) Any state game refuge upon state owned land may be reclassified as a "State Game Management Area" at the discretion of the commissioner. Such state game management areas may be opened for hunting or trapping under the provisions of chapter 20-08 of this title.

§ 3. AMENDMENT.) Section 20-1111 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-1111. PENALTY.) Except as provided in section 2 of this Act, any person:

1. Who, within the limits of any state or federal game refuge or state game management area, shall hunt, shoot, trap, kill, wound, take, or capture any game bird or protected animal;

2. Who shall drive any game bird or protected animal out of a state or federal game refuge or state game management area for the purpose of killing or capturing the same; or
3. Who, except as provided in sections 20-1109 and 20-1110, shall be found within the limits of any state game refuge or state game management area in possession of a firearm of any kind,

is guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than thirty days, or by both such fine and imprisonment. Any person convicted two or more times of violating any provision of this section shall be punished by a fine of not less than one hundred dollars nor more than two hundred dollars, or by imprisonment in the county jail for not less than twenty days nor more than sixty days, or by both such fine and imprisonment.

Approved March 5, 1953.

---

## CHAPTER 166

H. B. No. 584

(Committee on Natural Resources)

---

### MANAGEMENT OF HEART BUTTE RESERVOIR LANDS BY GAME AND FISH COMMISSIONER

#### AN ACT

Authorizing the game and fish commissioner to manage certain lands known as the Heart Butte Reservoir acquired by the bureau of reclamation in North Dakota, for the next biennium beginning July 1, 1953 and ending June 30, 1955.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1.) The game and fish commissioner, with the approval of the governor, shall have authority to enter into agreements with the bureau of reclamation for the management of lands in Heart Butte area acquired for the construction of dams on lakes or streams by the Bureau. Any revenues derived from the management of such lands or received from any federal agency for expenditure upon such lands shall not be commingled with other game and fish funds, but shall be deposited by the commissioner in a separate depository and expended for such purposes as may be agreed upon by the bureau of reclamation, the federal fish and wildlife service, the national park

service, and the game and fish commissioner, providing the authority herein granted is only for the biennium beginning July 1, 1953 and ending June 30, 1955.

Approved March 9, 1953.

---

## CHAPTER 167

H. B. No. 552  
(Legislative Research Committee)  
(at the request of)  
(The Game and Fish Department)

---

### CONTROL AND REGULATION OF ALL WATER CRAFT; LICENSING

#### AN ACT

To amend and reenact chapter 301 of the Session Laws of 1951, relating to control and regulation of all watercraft, and providing for the licensing of watercraft used for hire.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.) Section 1 of chapter 301 of the session laws of 1951 is hereby amended and reenacted to read as follows:

§ 1.) Any person who shall operate any watercraft upon any of the waters of this state,

1. While under the influence of narcotics or intoxicating liquors;
2. At a rate of speed dangerous to himself or other persons or property;
3. Which is not seaworthy by reason of construction, inadequate equipment, overcrowding or overloading according to standards prescribed by the commissioner; or
4. In a reckless or imprudent manner

shall be guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars, or by imprisonment in the county jail for not to exceed thirty days, or by both such fine and imprisonment. The commissioner and his deputies shall enforce the provisions hereof.

§ 2.) The state game and fish commissioner, in order to promote the public safety, shall adopt rules and regulations to license watercraft used for hire, or furnished with cottages let for hire, and to prescribe the:

1. Safety equipment;
2. Construction; and
3. Manner of operation

of such craft. The commissioner shall provide for annual inspection of all watercraft used for hire to determine that rules and regulations governing such watercraft have been complied with, and may issue licenses to operate such watercraft under the following schedule:

- Class 1. Each craft capable of carrying two adults of average weight or a like weight in baggage, the license fee for such craft shall be one dollar.
- Class 2. Each craft capable of carrying three adults of average weight or a like weight in baggage, the license fee for such craft shall be one dollar.
- Class 3. Each craft capable of carrying four adults of average weight or a like weight in baggage, the license fee for such craft shall be one dollar.
- Class 4. Each craft capable of carrying five adults of average weight or a like weight in baggage, the license fee for such craft shall be one dollar.
- Class 5. Each craft capable of carrying not to exceed eight adults of average weight or a like weight in baggage, the license fee for such craft shall be one dollar and fifty cents.
- Class 6. Each craft capable of carrying not to exceed ten adults of average weight or a like weight in baggage, the license fee shall be two dollars.
- Class 7. Each craft capable of carrying not to exceed fifteen adults of average weight or a like weight in baggage, the license fee for such craft shall be five dollars.
- Class 8. Each craft capable of carrying sixteen or more adults of average weight or a like weight in baggage, the license fee for such craft shall be ten dollars.

It shall be the duty of the game and fish commissioner to issue along with each license, some evidence that the craft has been inspected and does conform to standards provided for in this Act. Any person found operating watercraft used for hire or furnished with cottages let for hire who is not in possession of a current year's license issued by the commissioner for the operation of such craft, shall be guilty of a misdemeanor and shall be punishable by a fine of not more than one hundred dollars, or by imprisonment in the county jail not to exceed thirty days, or by both such fine and imprisonment.

Approved March 5, 1953.